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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 VERNON WAYNE McNEAL,

11 Plaintiff,

No. 2:05-cv-0441 GEB EFB P

12 vs.

13 EVERT, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action  
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

19 On January 18, 2013, the magistrate judge filed findings and recommendations  
20 herein which were served on all parties and which contained notice to all parties that any  
21 objections to the findings and recommendations were to be filed within fourteen days. Neither  
22 party has filed objections to the findings and recommendations.

23 The court has reviewed the file and finds the findings and recommendations to be  
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY  
25 ORDERED that:

26 /////

1           1. The findings and recommendations filed January 18, 2013, are adopted in full;  
2 and

3           2. The August 2, 2012 motion for summary judgment (Dckt. No. 141) filed by  
4 defendants Ginder, McCoy, Hooven, Chenoweth, Ervin, Chatham, and Barton is granted as to  
5 defendants Ginder, McCoy, Hooven, Chenoweth, and Barton and denied as to defendants Ervin  
6 and Chatham.

7 Dated: February 21, 2013

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10 GARLAND E. BURRELL, JR.  
11 Senior United States District Judge  
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